

UNITED STATES DISTRICT COURT

for the

District of Montana

FILED**OCT 07 2016**

United States of America

v.

WALTER JACK WHITE

Clerk, U.S. District Court
District Of Montana
Missoula

Case No: CR 13-39-BLG-DWM

USM No: 12368-046

Date of Original Judgment: 12/16/2013

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Palmer A. Hoovestel (appointed)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 150 months is reduced to 128 months.

(Complete Parts I and II of Page 2 when motion is granted)

The defendant is sentenced to 128 months, consisting of an amended sentence of 86 months on Count II and the 42 months consecutive originally imposed on Count III. See USSG 1B1.10(b) (requiring the court "leave all other guideline application decisions unaffected"); United States v. Aguilar-Canche, ___ F.3d ___, 2016 WL 4501687, at *4 (9th Cir. Aug. 29, 2016) (holding that the district court was not authorized under 18 U.S.C. 3582(c)(2) to reconsider the consecutive nature of the defendant's sentence).

Except as otherwise provided, all provisions of the judgment dated 12/16/2013 shall remain in effect.

IT IS SO ORDERED.

Order Date: _____

October 7, 2016

Judge's signature

Effective Date: _____

(if different from order date)

Donald W. Molloy, District Judge

Printed name and title